UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
DISTRICT OF ARIZONA - Yuma

DATE: 12/12/2007 CASE NUMBER: 07-10824M-001

CLOSED

USA vs. Sergio Lozano-Agudo

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney ______ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish
Attorney for Defendant Matthew Johnson for Brenda Acosta Sandoval (AFPD)
MATERIAL WITNESS(es): ______
MATERIAL WITNESS(es) state true name(s) to be: ______
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA____
☐ Financial Afdvt taken
☐ Rule 5(c)(3)
☐ Initial Appearance
☐ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.
☐ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☐ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ______ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	**IDENTITY HEARING:** ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: ______ ☐ Held ☐ Con't ☐ Reset Set for: Before:

Other: Government moves for a dismissal of complaint. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.

Recorded by Courtsmart (2 min)
BY: Angela J. Tuohy
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 12/7/2007 CASE NUMBER: 07-10824-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Sergio Lozano-Agudo

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney ________ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Matthew Johnson (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 12/6/2007 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☒ Held ☐ Cont'd ☐ Reset ☐ UA
Set for: before:

☒ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at $________
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☐ Held ☐ Cont'd ☐ Reset
Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed ________ ☐ Complaint filed ________
☐ Defendant sworn and examined by the Court ☐ Plea of Guilty ☐ Not Guilty ☐ Entered to Counts________
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☐ Plea of Guilty entered as to Ct(s)______ of the ☐ Information ☐ Indictment ☐ Complaint
☐ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because ________
☐ PSI ORDERED ☐ EXPEDITED ☐ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to __ before ________
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☐ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☐ Defendant committed to Bureau of Prisons for a period of___ ☐ Probation/Supervised Release for ________
☐ Special Assessment $______ ☐ Fine $_______ ☐ Restitution $________

Other: Defense counsel advises the Court that the defendant may have mental health issues that need to be addressed. The Court set this matter for a Status Hearing Regarding Mental Health Evaluation on 12/12/07 at 1:00 p.m.

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

12/6

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Sergio LOZANO-Agudo
Citizen of Mexico
YOB: 1968
A92 871 906
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10824M SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about 11/07/1996, Defendant Sergio LOZANO-Agudo was arrested and removed from the United States to Mexico through the port of Otay Mesa, California, in pursuance of law, and thereafter on or about December 6, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about December 6, 2007, within the Southern District of California, Defendant Sergio LOZANO-Agudo, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Alfredo Prieto
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

December 7, 2007 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Sergio LOZANO-Agudo

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through Otay Mesa, California on 11/07/1996.

CRIMINAL HISTORY:

DATE/LOCATION		OFFENSE	DISPOSITION
8/12/90	San Diego, CA	Take veh w/o owners consent/veh theft	Pros rel-det only-lack of suff evidence
7/9/92	Anaheim, CA	Petty theft, Burglary	None found
7/16/92	Fullerton, CA	Burglary	36 months probation, 60 days jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near Andrade, California on December 6, 2007.

Charges: 8 USC§1326 (Felony)
8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

December 7, 2007

Date

Signature of Judicial Officer